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Attorneys for Applicant Sacramento Utilities, L.L.C.

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF SACRAMENTO UTILITIES, L.L.C.,
FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE WASTEWATER SERVICE TO
MOHAVE COUNTY, ARIZONA

DOCKET NO. SW-20576A-08-0067

**REQUEST FOR PROCEDURAL
ORDER TO CORRECT LEGAL
DESCRIPTION IN DECISION NO.
71119**

Sacramento Utilities, L.L.C. ("Sacramento" or the "Company") hereby files this
Request for Procedural Order to Correct Legal description in the above-referenced matter.

PROCEDURAL BACKGROUND

On February 4, 2008, the Company filed with the Arizona Corporation
Commission ("Commission") an Application for a Certificate of Convenience and
Necessity ("CC&N") to provide wastewater service in an area of Mohave County,
("A.A.C.").

On July 17, 2008, Staff issued a Sufficiency Letter to the Company stating that the
application met the sufficiency standards set forth in the A.A.C.

By Procedural Order issued July 23, 2008, the matter was scheduled for hearing to
begin September 9, 2008.

On September 9, 2008, the public comment hearing was convened. No members

1 of the public appeared and offered comments. However, Staff indicated that it needed
2 additional time to review Sacramento's application, and Staff stated that it had concerns
3 with the information provided by the Company. It was agreed by the parties that Staff
4 should be granted an additional extension to file its Staff Report, with a hearing date to
5 follow issuance of the Staff Report.

6 On January 16, 2009, Staff filed its Staff Report as directed.

7 On January 26, 2009, the hearing was convened as scheduled. The Company and
8 Staff appeared through counsel with each offering a single witness.

9 On January 30, 2009, Staff submitted a Late-Filed Exhibit with a revised Rate
10 Design schedule.

11 On February 3, 2009, Sacramento submitted a Late-Filed Exhibit attaching its
12 Approval to Construct ("ATC") from the Arizona Department of Environmental Quality
13 ("ADEQ") for the first subdivision in the requested CC&N area.

14 On February 9, 2009, the transcript of the January 26, 2009, hearing was filed in
15 the docket of this proceeding.

16 After receipt of the Late-Filed Exhibits and transcript, the matter was taken under
17 advisement pending issuance of a Recommended Opinion and Order for the
18 Commission's consideration.

19 On June 5, 2009, Decision No. 71119 was issued approving the Company's
20 application for a wastewater utility CC&N. However, the legal description attached to the
21 Decision is incorrect, and only represents just over half of the area approved by the
22 Commission.

23 **RELIEF REQUESTED**

24 Sacramento respectfully requests that the legal description for the Company's
25 CC&N attached as **Exhibit A** to Decision No. 71119 be replaced with the attached correct
26

1 legal descriptions, attached hereto as **Exhibit 1**. The first page of the legal description
2 includes the Shipp Estates Development (approximately 50 acres). The second page
3 includes 2.42 acres for the utility plant site.

4 **RESPECTFULLY SUBMITTED** this 2nd day of July, 2009.

5 **FENNEMORE CRAIG, P.C.**

6
7 By: 

8 Patrick J. Black

9 Attorneys for Applicant Sacramento
Utilities, L.L.C.

10 **ORIGINAL** and 13 copies delivered this
11 2nd day of July, 2009 to:

12 Docket Control
13 Arizona Corporation Commission
14 1200 West Washington Street
Phoenix, Arizona 85007

15 **COPY** hand-delivered
16 this 2nd day of July, 2009 to:

17 Dwight D. Nodes
18 Administrative Law Judge
Hearing Division
19 Arizona Corporation Commission
1200 West Washington
20 Phoenix, Arizona 85007

21 Janice Alward
22 Legal Division
Arizona Corporation Commission
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1 Ernest Johnson, Director
2 Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington
Phoenix, Arizona 85007

5 **COPY** mailed
6 this 2nd day of July, 2009 to:

7 Dwight Zemp
8 Castle Pines North Metro District
9 7404 Yorkshire Drive
Castle Rock, CO 80108

10

11 By: *Maurin San Jose*
12 2212885.1/99501.022

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Exhibit 1

DESCRIPTION FOR SHIPP ESTATES TRACT 3310

A parcel of land located within the South half of Section 12, Township 21 North, Range 19 West of the Gila and Salt River Meridian, Mohave County, Arizona and being more particularly described as follows:

Commencing at the Southeast Section Corner of said Section 12 and running thence, South 89°43'52" West, along the South Line of said Section 12, a distance of 1325.19 feet to the true POINT OF BEGINNING;

Thence, South 89°43'52" West, along the South Line of said Section 12, a distance of 1325.19 feet to the South One-quarter Section Corner of said Section 12;

Thence, South 89°43'01" West, along the South Line of said Section 12, a distance of 1323.90 feet to the centerline of Davis Road;

Thence, North 00°08'17" West, along the centerline of Davis Road, a distance of 330.15 feet;

Thence, North 89°41'09" East, 1324.02 feet to a point on the centerline of Glen Canyon Road;

Thence, North 00°07'02" West, along the centerline of Glen Canyon Road, a distance of 989.17 feet to a point on the centerline of Brook Drive;

Thence, North 89°43'15" East, along the centerline of Brook Drive, a distance of 1295.26 feet to a point;

Thence, South 00°06'52" East, along the West right-of-way boundary of Morman Flat Road, a distance of 660.13 feet;

Thence, North 89°44'56" East, 30.00 feet to a point on the centerline of Morman Flat Road;

Thence, South 00°06'52" East, along the centerline of Morman Flat Road, a distance of 660.14 feet to the POINT OF BEGINNING.

The parcel of land herein described containing 49.75 acres, more or less.

05-620SHIP.DOC



EXHIBIT "A"

A parcel of land located within the Southeast quarter of the Southwest quarter of Section 12, Township 21 North, Range 19 West of the Gila and Salt River Meridian, Mohave County, Arizona and being more particularly described as follows:

Commencing at the South One-quarter Section Corner of said Section 12 and running thence, South $89^{\circ}43'01''$ West, along the South Line of said Section 12, a distance of 926.95 feet; thence, North $00^{\circ}06'59''$ West, 42.00 feet to the true POINT OF BEGINNING;

Thence, South $89^{\circ}43'01''$ West, along a line lying 42.00 feet North of and parallel with the South Line of said Section 12, a distance of 371.78 feet to the point of curvature of a tangent curve to the right having a radius of 25.00 feet;

Thence, Northwesterly 39.33 feet, along the arc of said curve through a central angle of $90^{\circ}08'42''$ to the point of tangent of said curve;

Thence, North $00^{\circ}08'17''$ West, along a line lying 30.00 feet East of and parallel with the centerline of Davis Road, a distance of 263.10 feet;

Thence, North $89^{\circ}41'09''$ East, 366.12 feet;

Thence, South $00^{\circ}16'59''$ East, 288.36 feet to the POINT OF BEGINNING.

The parcel of land herein described containing 2.422 acres, more or less.

